

**THE ATTACHED
AMENDMENTS
ARE TO BILLS
THAT WILL
BE
HEARD ON
HOUSE REGULAR
CALENDAR
TODAY
FRIDAY
OCTOBER 29, 2021**

Amendment No. 1 to HB9077

Farmer
Signature of Sponsor

AMEND Senate Bill No. 9014

House Bill No. 9077*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, is amended by adding the following as a new title:

Title 14 – COVID-19

Chapter 1 – General Provisions

14-1-101. Definitions.

As used in this title, unless the context otherwise requires:

(1) "Adverse action" means to:

(A) Discriminate against a person by denying the person employment, credit, insurance, access, products, services, or other benefits; or

(B) Discharge, threaten, or otherwise discriminate against an employee in any manner that affects the employee's employment, including compensation, terms, conditions, locations, rights, immunities, promotions, or privileges;

(2) "Applicant" means a person who has applied for employment with an employer;

(3) "Arising from COVID-19" means caused by or resulting from the actual, alleged, or possible exposure to or contraction of COVID-19, or caused by or resulting from services, treatment, or other actions in response to COVID-19, including, but not limited to:

(A) Implementing policies and procedures to prevent or minimize the spread of COVID-19; however, "arising from COVID-19" does not include implementing policies and procedures that violate this title;

(B) Testing;

(C) Monitoring, collecting, reporting, tracking, tracing, disclosing, or investigating COVID-19 exposure or other COVID-19-related information;

(D) Using, designing, manufacturing, providing, donating, or servicing precautionary, diagnostic, collection, or other health equipment or supplies, such as personal protective equipment;

(E) Closing or partially closing to prevent or minimize the spread of COVID-19;

(F) Delaying or modifying the schedule or performance of any medical procedure; or

(G) Providing services or products in response to government appeal or repurposing operations to address an urgent need for personal protective equipment, sanitation products, or other products necessary to protect the public;

(4) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including any variant of SARS-CoV-2 or COVID-19;

(5) "COVID-19 vaccine" means a substance used to stimulate the production of antibodies and provide protection against COVID-19, prepared from the causative agent of COVID-19, its products, or a synthetic substitute, and treated to act as an antigen without inducing a COVID-19 infection;

(6) "Employer" means a person, private business, or governmental entity employing one (1) or more persons within this state;

(7) "Face covering" means a protective covering designed to be worn over the nose and mouth to reduce the spread of COVID-19, but "face covering" does not include an industry required mask;

(8) "Governmental entity":

(A) Means a state department, agency, or political subdivision, including a city, town, municipality, metropolitan government, county, utility district, public building authority, housing authority, emergency communications district, county board of health, a development district created and existing pursuant to the laws of this state, or an instrumentality of government created by one (1) or more local governmental entities; and

(B) Does not include a school or LEA, as defined in § 49-1-103; or a medicare certified provider, but only to the extent such provider is subject to a valid and enforceable medicare condition of participation that imposes a requirement contrary to this title;

(9) "Healthcare provider" means a healthcare practitioner, person, or facility licensed, authorized, certified, registered, or regulated under title 33, title 63, title 68, federal law or order, or an executive order of the governor, including but not limited to any employees, agents, or contractors of such a practitioner, person, or facility, and residents, interns, students, fellows, or volunteers of an accredited school or of such school's affiliated teaching or training hospitals or programs in this state;

(10) "Industry required mask" means a face covering, protective cover, or prophylactic device designed to be worn over the nose and mouth for a particular industry that may prevent the spread of COVID-19, but that would be used in the particular industry regardless of the risk of exposure to COVID-19;

(11) "Legal guardian" means a person or entity that has the legal authority to provide for the care, supervision, or control of a minor as established by law or court order;

(12) "Minor":

(A) Means a person who has not attained eighteen (18) years of age;

and

(B) Does not include a person who has been emancipated pursuant to title 29, chapter 31;

(13) "Monoclonal antibodies" means bamlanivimab plus etesevimab, casirivimab plus imdevimab, sotrovimab, or any other anti-COVID-19 monoclonal antibody products that target the spike protein of COVID-19 and are approved or authorized by the federal food and drug administration for use as a treatment or prophylaxis for a COVID-19 infection;

(14) "Person" means an individual;

(15) "Private business" means a person, sole proprietorship, corporation, limited liability company, partnership, trust, association, nonprofit organization described in § 501(c) of the Internal Revenue Code that is exempt from federal income taxation under § 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)), or any other legal or non-governmental entity whether formed as a for-profit or not-for-profit entity engaged in business or commerce in this state, but does not include a:

(A) A school; or

(B) A medicare certified provider, but only to the extent such provider is subject to a valid and enforceable medicare condition of participation that imposes a requirement contrary to this title;

(16) "Proof of vaccination" means physical documentation or digital storage of a person's receipt of a COVID-19 vaccine;

(17) "Quarantine" means:

(A) The limitation or restriction of a person's freedom of movement or isolation of a person, or preventing or restricting access to premises upon which

the person or the cause or source of COVID-19 may be found, for a period of time to prevent the spread of COVID-19; and

(B) Limiting or restricting the operation of a private business to prevent the spread of COVID-19;

(18) "School" means:

(A) A public elementary or secondary school operated by a local education agency or by the state with public funds, including a charter school;

(B) A private school, as defined in § 49-6-3001;

(C) A public or private child care agency, as defined in § 71-3-501; child care program, as defined in § 49-1-1102; preschool; or nursery school; and

(D) A public or private postsecondary educational institution;

(19) "School property" means all real property, improvements to real property, and facilities used for school purposes; and

(20) "Severe conditions" means:

(A) The governor has declared a state of emergency for COVID-19 pursuant to § 58-2-107; and

(B) A county has an average rolling fourteen-day COVID-19 infection rate of at least one thousand (1,000) new known infections for every one hundred thousand (100,000) residents of the county based on the most recent data published by the department of health. For purposes of this subdivision (20)(B), the number of new cases per one hundred thousand (100,000) persons within the last fourteen (14) days is calculated by adding the number of new cases in the county in the last fourteen (14) days divided by the population in the county by one hundred thousand (100,000).

14-1-102. Findings.

The general assembly finds that:

(1) Setting forth the rights of people in the context of COVID-19 restrictions in a statute assists the citizens of this state in the enforcement and protection of their rights and creates a safe harbor for those desiring to avoid litigation;

(2) Tennessee, as a great southern state within our federal system of government, is free to enact laws to protect the health and safety of its citizens under the police powers inherent to all states of a federal system of government; and

(3) Consistent with our constitutionally recognized and inalienable right of liberty, every person within this state is and must remain free to choose or to decline to be vaccinated against COVID-19 without penalty or threat of penalty.

14-1-103. Broad construction to safeguard liberty.

The purpose of this title is to safeguard the constitutional rights and liberty interests of persons during the COVID-19 pandemic. This title must be construed broadly to effectuate the purpose described in this section.

14-1-104. Construction with other laws.

(a) Notwithstanding title 58, chapter 2 or any other law to the contrary, the governor, a governmental entity, or a public official shall not suspend any provision of this title, regardless of whether there is a state of emergency.

(b) This title is in addition and supplemental to all other provisions of state law; wherever the application of this title conflicts with the application of other provisions of state law, this title prevails.

Chapter 2 – Uniform Standards

14-2-101. COVID-19 vaccine mandates by governmental entities.

A governmental entity, school, or LEA shall not mandate that a:

(1) Person receive a COVID-19 vaccine; or

(2) Private business or school require proof of vaccination as a condition to access the private business's or school's premises or facilities or to receive the benefits of the private business's or school's products or services.

14-2-102. COVID–19 vaccine status.

A private business, governmental entity, school, or LEA shall not compel a person to provide proof of vaccination if the person objects to receiving a COVID-19 vaccine for any reason.

14-2-103. Face coverings generally.

(a) Notwithstanding any law to the contrary and except as otherwise provided in subsection (c) and § 14-2-105:

(1) A private business or governmental entity shall not require a person to wear a face covering as a condition to access the private business's or governmental entity's premises or facilities, or to receive the benefits of the private business's or governmental entity's products or services, unless severe conditions exist and the requirement is in effect for no more than fourteen (14) days; and

(2) An employer shall not require an employee to wear a face covering as a term or condition of employment or take an adverse action against an employee for failing to wear a face covering, unless severe conditions exist at the time the requirement is adopted and the requirement is in effect for not more than fourteen (14) days.

(b) A private business, governmental entity, or employer may renew its face covering requirement for additional fourteen-day periods if severe conditions continue to exist each time the face covering requirement is renewed by the private business, governmental entity, or employer. If, at the end of a fourteen-day period, severe conditions no longer exist, then the private business, governmental entity, or employer shall not renew the private business's, governmental entity's, or employer's face covering requirement or otherwise require a person to wear a face covering as a condition to access the private business's, governmental entity's, or employer's premises or facilities; to receive the benefits of the private business's, governmental entity's, or employer's products or services; or as a term or condition of employment.

(c) Notwithstanding subsection (a), a private business, governmental entity, or employer shall not require a person to wear a face covering if the person provides documentation from the

person's healthcare provider that wearing a face covering is contraindicated for the person, or if the person objects to wearing a face covering because of the person's sincerely held religious belief.

(d) This section does not authorize a person to access a private business's, governmental entity's, or employer's premises or facilities, or to receive the benefits of a private business's, governmental entity's, or employer's products or services, if the person is otherwise prohibited from accessing the private business's, governmental entity's, or employer's premises or facilities, or from receiving the benefits of the private business's, governmental entity's, or employer's products or services.

14-2-104. Face coverings for schools.

(a) Notwithstanding title 49 or any other law to the contrary but except as otherwise provided in subsection (c), a school or a governing body of a school shall not require a person to wear a face covering while on school property unless:

(1) The principal or president of the school submits a written request to the school's governing body for the adoption of a policy requiring all persons on school property to wear a face covering;

(2) Severe conditions exist;

(3) The school's governing body adopts such a policy on a school-by-school or campus-by-campus basis and only:

(A) For the school for which a request is submitted by the principal or president pursuant to subdivision (a)(1);

(B) If all other conditions or requirements of this subsection (a) exist at the time the policy is adopted; and

(C) If the policy is in effect for no more than fourteen (14) days;

(4) The school provides face coverings for persons twelve (12) years of age and older that meet the U.S. National Institute for Occupational Safety and Health N95

classification of air filtration, meaning that the face covering filters at least ninety-five percent (95%) of airborne particles, including droplets containing COVID-19; and

(5) The school provides age-appropriate face coverings for persons under twelve (12) years of age, but over five (5) years of age, that provide air filtration similar to the face coverings described in subdivision (a)(4).

(b) A principal or president of a school may submit a written request to the school's governing body to renew the face covering requirement for the school for an additional fourteen-day period if the requirements of subsection (a) exist at the time the face covering requirement is renewed. If, at the end of a fourteen-day period, one (1) or more of the requirements or conditions of subsection (a) no longer exist, then a school shall not renew the school's face covering requirement or otherwise require a person to wear a face covering on school property.

(c) Notwithstanding subsection (a), a school shall not require a person to wear a face covering if the person provides documentation from the person's healthcare provider that wearing a face covering is contraindicated for the person, or if the person objects to wearing a face covering because of the person's sincerely held religious belief.

(d) Notwithstanding subsection (a):

(1) A school shall, to the extent practicable, provide a reasonable accommodation pursuant to the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) to a person who provides a written request for a reasonable accommodation to the principal or president of the school. If the person requesting a reasonable accommodation under this subsection (d) is a minor, then the person's parent or legal guardian must provide the written request on the minor's behalf.

(2) The principal or president of the school shall evaluate the request on behalf of the school and, to the extent practicable, provide a reasonable accommodation. The principal or president shall issue a decision approving or denying the request in writing. If the principal or president denies the request, then the grounds for denial must be provided in the principal's or president's written decision. If the principal or president

approves the request, then the school shall place the person in an in-person educational setting in which other persons who may place or otherwise locate themselves within six feet (6') of the person receiving the reasonable accommodation for longer than fifteen (15) minutes are wearing a face covering provided by the school that:

(A) For persons twelve (12) years of age or older, meets the U.S.

National Institute for Occupational Safety and Health N95 classification of air filtration, meaning that the face covering filters at least ninety-five percent (95%) of airborne particles, including droplets containing COVID-19; or

(B) For persons under twelve (12) years of age, but over five (5) years of age, is age-appropriate and provides air filtration similar to the face coverings described in subdivision (d)(2)(A).

(e) The governing body of a school shall not use state funds to mandate or require students to wear face coverings in violation of this section. If a school's governing body violates this subsection (e), then the commissioner of education may withhold future distributions of school funds from a local education agency in the amount of the state funds used in violation of this section, or the attorney general and reporter may initiate legal proceedings to recover all state funds used in violation of this subsection (e).

(f) This section does not authorize a person to access a school's property or to receive the benefits of a school's services, if the person is otherwise prohibited from accessing the school's property, or from receiving the benefits of the school's services.

Chapter 3 – Unemployment Benefits Relative to COVID-19

14-3-101. Unemployment benefits.

(a) The disqualification from receipt of unemployment benefits provided in § 50-7-303(a)(1)(A) does not apply to a claimant who left employment because the claimant's employer, as defined in § 50-7-205, required its employees to receive a COVID-19 vaccine and the claimant failed or refused to receive a COVID-19 vaccine.

(b) Unemployment benefits shall not be reduced or denied under title 50, chapter 7 to an otherwise eligible claimant who left employment due to the claimant's failing or refusing to receive a COVID-19 vaccine.

(c) This section entitles an otherwise eligible claimant to a retroactive payment of unemployment benefits if the claimant was denied benefits on grounds that the claimant's separation from employment for failing or refusing to receive a COVID-19 vaccine was insufficient for benefits.

Chapter 4 – Healthcare Standards of Practice

14-4-101. Sole authority to quarantine.

(a) Notwithstanding any law to the contrary, the commissioner of health has the sole authority to determine quarantine guidelines for:

(1) A person if the person tests positive for COVID-19. The quarantine of a person must be lifted if the person receives a negative antigen detection test result or a negative molecular diagnostic test result at any time during the quarantine period; and

(2) A private business or school for purposes of closing the private business or restricting the operation of the private business for purposes of COVID-19. The quarantine of a business must be lifted as soon as practicable after the commissioner is satisfied that the conditions at the business do not present a serious public health or safety threat with respect to the spread of COVID-19.

(b) A local health entity or official, mayor, governmental entity, or school does not have the authority to quarantine a person or private business for purposes of COVID-19.

(c) The commissioner may only establish quarantine guidelines by rules promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

14-4-102. Monoclonal antibodies.

Notwithstanding any guidance or advice received from a governmental entity to the contrary, a healthcare provider shall exercise independent professional judgment when

determining whether to recommend, prescribe, offer, or administer monoclonal antibodies to a patient as a treatment or prophylaxis against COVID-19.

14-4-103. Mature minor doctrine.

(a) Except as provided in subsection (b), a healthcare provider shall not provide a patient who is a minor with a COVID-19 vaccine without first obtaining written consent from the minor patient's parent or legal guardian.

(b) Subsection (a) does not apply if a healthcare provider, in the provider's independent professional judgment, suspects that the minor may be subjected to abuse, as defined in § 37-1-102, by a parent or legal guardian, or is a dependent and neglected child, as defined in § 37-1-102. If the exception provided in this subsection (b) applies, then the common law applies to the minor's capacity to consent to receiving a COVID-19 vaccine.

Chapter 5 – Liability

14-5-101. Clear and convincing standard for liability.

(a) Except as otherwise provided in this title, there is no claim against a person for loss, damage, injury, or death arising from COVID-19, unless the claimant proves by clear and convincing evidence that the person proximately caused the loss, damage, injury, or death by an act or omission constituting gross negligence or willful misconduct.

(b)

(1) In any claim alleging loss, damage, injury, or death arising from a COVID-19 infection, the claimant must file a verified complaint pleading specific facts with particularity from which a finder of fact could reasonably conclude that the alleged loss, damage, injury, or death was caused by the defendant's gross negligence or willful misconduct.

(2) In any claim alleging loss, damage, injury, or death based on a COVID-19 infection, the claimant must also file a certificate of good faith stating that the claimant or claimant's counsel has consulted with a physician duly licensed to practice in this state or a contiguous state, and the physician has provided a signed written statement that the

physician is competent to express an opinion on the contraction of COVID-19, and, upon information and belief, believes that the alleged loss, damage, injury, or death was caused by an alleged act or omission of the defendant or defendants.

(3) The failure of a claimant to satisfy the requirements of subdivisions (b)(1) and (2), if required by subdivision (b)(2), makes the action subject to dismissal with prejudice upon motion of the defendant.

(c) This chapter does not:

(1) Create a cause of action;

(2) Eliminate a required element of any existing cause of action;

(3) Affect workers' compensation claims under the Workers' Compensation Law, compiled in title 50, chapter 6, including the exclusive application of such law; or

(4) Amend, repeal, alter, or affect any immunity, defense, limitation of liability, or procedure available or required under law or contract.

(d) Unless otherwise prohibited by the United States or Tennessee Constitution, this chapter applies to claims arising from COVID-19 except those for which, on or before August 3, 2020:

(1) A complaint or civil warrant was filed;

(2) Notice of a claim was given pursuant to § 9-8-402; or

(3) Notice was satisfied pursuant to § 29-26-121(a)(3) or § 14-5-101(b).

(e) As used in this section, "person" means an individual, healthcare provider, sole proprietorship, corporation, limited liability company, partnership, trust, religious organization, association, nonprofit organization described in 501(c) of the Internal Revenue Code that is exempt from federal income taxation under 501(a) of the Internal Revenue Code, 26 U.S.C. 501(a), or any other legal entity whether formed as a for-profit or not-for-profit entity.

14-5-102. Termination date.

This chapter terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

Chapter 6 – Miscellaneous

14-6-101. Anti-commandeering.

(a) Public funds of this state, or any political subdivision of this state, shall not be allocated for the implementation, regulation, or enforcement of any federal law, executive order, rule, or regulation that mandates the administration of a COVID-19 countermeasure.

(b) Personnel or property of this state, or any governmental entity of this state, shall not be allocated for the implementation, regulation, or enforcement of any federal law, executive order, rule, or regulation that mandates the administration of a COVID-19 countermeasure.

(c) As used in this section, "countermeasure" has the same meaning as "covered countermeasure" as that term is defined in the Public Readiness and Emergency Preparedness (PREP) Act, codified at 42 U.S.C. § 247d-6d.

14-6-102. Exemptions Due to Potential Loss of Federal Funding.

(a) In order to ensure the continuation of business, governmental, and school operations in the midst of rapidly changing federal regulation of these operations, a class of entities may be temporarily exempt from complying with any provision of this title when such an exemption is necessary to conform to federal law, rules, or regulations as a condition to receipt of federal funds.

(b) Upon notification from a private business, governmental entity, or school that application of a provision of this title would jeopardize the receipt of federal funds by a class of entities, the commissioner of finance and administration may identify a class of private businesses, governmental entities, schools, or employers as designated entities that are exempt from complying with any or all provisions of this title. Any such exemption must be narrowly tailored to exempt a class of designated entities only from the provisions of this title that would jeopardize the classes' receipt of federal funding.

(c) An exemption granted pursuant to this section takes effect once the commissioner files a written statement with the secretary of state specifying:

(1) The conflict between this title and federal law, rules, or regulations that jeopardizes receipt of federal funds either authorized, anticipated, or appropriated;

(2) The characteristics of the class of designated entities; and

(3) The provisions of this title that conflict with federal law, rules, or regulations and compliance with which would jeopardize receipt of federal funding.

(d)

(1) Except as otherwise provided in subdivision (d)(2), an exemption granted pursuant to this section must expire no later than thirty (30) days after the date of adjournment of the next session of the general assembly lasting ten (10) or more legislative days.

(2) Notwithstanding subdivision (d)(1), if the attorney general and reporter has challenged the application of the federal law, rule, or regulation necessitating the request for an exemption pursuant to this section, the exemption expires no later than thirty (30) days after the date of adjournment of the next session of the general assembly lasting ten (10) or more legislative days after final resolution of the court challenge.

(3) If the general assembly fails to act to make an exemption granted pursuant to this section permanent within the legislative session referred to in subdivision (d)(1) or (d)(2), then the commissioner is no longer authorized to reinstitute the exemption.

(e) The commissioner may revoke an exemption granted pursuant to this section at any time upon finding that the receipt of federal funding is no longer jeopardized. The revocation set out in this subsection (e) is effective upon the commissioner filing a written statement to that effect with the secretary of state.

14-6-103. Remedies.

(a) A person injured as a result of a violation of chapter 2 of this title is entitled to maintain a private right of action for injunctive relief and to recover compensatory damages and reasonable attorneys' fees against an alleged violator.

(b) If a court finds pursuant to subsection (a) that a private business violated any provision of chapter 2 of this title, then the court shall provide notice to the commissioner of revenue. Upon receipt of such notice, the commissioner shall determine whether the private business received state funding for the fiscal year in which the violation occurred. If the commissioner determines that the private business received state funding, then the commissioner shall notify the attorney general and reporter who may initiate legal proceedings to recover all state funding received by the business in the fiscal year in which the business committed the violation. If the legal proceeding filed by the attorney general and reporter results in the private business's loss of state funding, then the private business shall not be eligible to receive state funding from for the two (2) fiscal years immediately following the fiscal year in which the private business committed the violation.

(c) As used in this section, "funding" means state grant funds and state tax credits.

SECTION 2. Tennessee Code Annotated, Section 9-8-307(j), is amended by adding the following language to the end of the subsection:

This subsection (j) terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

SECTION 3. Tennessee Code Annotated, Sections 9-8-307(j), 29-20-205(10), 29-20-310(f)(1), 49-7-159, are amended by deleting the language "29-34-802(a)" and substituting instead the language "14-1-101".

SECTION 4. Tennessee Code Annotated, Sections 9-8-307(j), 29-20-205(10), and 49-7-159, are amended by deleting the language "29-34-802(c)" and substituting instead the language "title 14, chapter 5".

SECTION 5. Tennessee Code Annotated, Section 29-20-205(10), is amended by adding the following language to the end of the subdivision:

This subdivision (10) terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

SECTION 6. Tennessee Code Annotated, Section 29-20-310(f), is amended by adding the following language as a new subdivision:

This subsection (f) terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

SECTION 7. Tennessee Code Annotated, Title 29, Chapter 34, Part 8, is amended by deleting the part.

SECTION 8. Tennessee Code Annotated, Section 49-7-159, is amended by adding the following language to the end of the section:

This section terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

SECTION 9. Tennessee Code Annotated, Section 50-7-303(a)(1), is amended by adding the following as a new subdivision:

(C) The disqualification provided in subdivision (a)(1)(A) does not apply to a claimant who left employment because the claimant's employer required its employees to receive a COVID-19 vaccine, as defined in § 14-1-101, and the claimant failed or refused to receive the immunization or vaccination.

SECTION 10. Tennessee Code Annotated, Section 50-7-303(c), is amended by adding the following as a new subdivision:

(4) Benefits shall not be reduced or denied under this chapter to an otherwise eligible claimant for separation from employment due to the claimant's failure or refusal to receive a COVID-19 vaccine, as defined in § 14-1-101.

SECTION 11. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by deleting §§ 68-5-115 - 68-5-117.

SECTION 12. The headings to sections, parts, and chapters in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 13. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 14. This act takes effect upon becoming a law, the public welfare requiring it; except as otherwise provided in § 14-5-101, this act applies to acts occurring on or after the effective date of this act.

Amendment No. 1 to HB9076

Hazlewood
Signature of Sponsor

AMEND Senate Bill No. 9013

House Bill No. 9076*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1.

(a) Notwithstanding any law to the contrary, the commissioner of health has the sole authority to determine quarantine guidelines for:

(1) A person if the person tests positive for COVID-19. The quarantine of a person must be lifted if the person receives a negative antigen detection test result or a negative molecular diagnostic test result at any time during the quarantine period; and

(2) A private business or school for purposes of closing the private business or restricting the operation of the private business for purposes of COVID-19. The quarantine of a business must be lifted as soon as practicable after the commissioner is satisfied that the conditions at the business do not present a serious public health or safety threat with respect to the spread of COVID-19.

(b) A local health entity or official, mayor, governmental entity, or school does not have the authority to quarantine a person or private business for purposes of COVID-19.

(c) The commissioner may only establish quarantine guidelines by rules promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Section 4 of Chapter 550 of the Public Acts of 2021, as codified in Tennessee Code Annotated, Section 68-2-609, is amended by deleting subdivision (4) and substituting instead:

(4) Except during a declared state of emergency for a COVID-19 pandemic, rules and regulations as are necessary or appropriate to protect the general health and safety of the county.

SECTION 3. Tennessee Code Annotated, Section 68-2-603(a), is amended by deleting subdivision (6) and substituting instead:

(6) When the commissioner appoints a county health director pursuant to this subsection (a), the appointment shall be made in writing by the commissioner in concurrence with the county mayor of the county for which the appointment is made. The mayor shall submit a slate of not more than three (3) nominees to the commissioner for consideration within ten (10) days of a request for nominees by the commissioner. The commissioner may appoint a health director from the list of nominees, or may request additional nominees, or may appoint someone to the position that has not been nominated by the mayor. If the commissioner appoints someone who is not a nominee of the mayor, the commissioner must first consult with the mayor and provide written justification as to why one (1) of the nominees was not selected.

SECTION 4. Tennessee Code Annotated, Section 68-2-601(i), is amended by deleting the subsection and substituting instead the following:

(i) A county health department or board of health of a county in existence prior to July 1, 1985, remains in existence after the effective date of this act. The regulations of such departments and boards remain in full force in effect to the extent such regulations do not conflict with Section 1 of this act.

SECTION 5. Tennessee Code Annotated, Section 68-2-609(1), is amended by deleting the subdivision and substituting:

(1) Except as provided in Sections 1 of this act, the quarantine of any place or

person, if the county health officer finds that quarantine is necessary to protect the public health from an epidemic;

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB9072

Moon
Signature of Sponsor

AMEND Senate Bill No. 9009

House Bill No. 9072*

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-201, is amended by deleting the last sentence in subdivision (a)(1) and substituting instead the following:

All elections for school board members must be conducted on a partisan basis, and political parties may nominate candidates for school board membership by any method authorized under the rules of the party or by primary election under title 2.

SECTION 2. Tennessee Code Annotated, Section 49-2-201, is further amended by deleting subsection (d) and substituting the following:

(d)

(1)

(A) Primary elections in which candidates nominated for school boards are to appear on the regular August election ballot are held on the first Tuesday in May before the August election. In the years in which an election is held for president of the United States, a political party primary for offices to be elected in the regular August election shall be held on the same day as the presidential preference primary. In such event, the qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a)(2).

(B) Primary elections in which candidates nominated for school board are to appear on the regular November election ballot are held concurrently with the regular August election. The qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a)(1).

(C) Primary elections in which candidates nominated for school board are to appear on a ballot other than the regular August or regular November election ballot are held on the first Tuesday in the third month before the election. If the first Tuesday of the third month falls on a legal holiday, the election shall be held on the second Tuesday of the third month before the election.

(2) If the date for a primary election falls within ninety (90) days of an upcoming regular primary or general election being held in the jurisdiction, the commission or commissions may reset the date of the primary election to coincide with the regular primary or general election, even though this may be outside of the time period established herein. All dates dependent on the date of the election must be adjusted accordingly and any acts required to be done by these dates must be performed timely if done in accordance with the adjusted dates.

(3) The qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a).

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB9071

Lamar
Signature of Sponsor

AMEND Senate Bill No. 9008

House Bill No. 9071*

by adding the following language after the language "appointment of a district attorney general pro tem" in the first sentence of the amendatory language of Section 1:

; provided, that the attorney general and reporter is authorized to petition the court pursuant to this subdivision (a)(2) for the appointment of no more than one (1) district attorney general pro tem per year

Amendment No. 1 to HB9074

Curcio
Signature of Sponsor

AMEND Senate Bill No. 9011

House Bill No. 9074*

by adding the following language as a new subdivision (b)(4) in the amendatory language of
Section 1:

(4) For purposes of this subsection (b), "public official" means a local board of
education, as defined in § 49-1-103, or a member of such board.